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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,615	08/13/2001	Darrell J. Metcalf		9176

7590 12/18/2003
Darrell J. Metcalf
905 N. Oak Avenue
Fillmore, CA 93015

EXAMINER

LAO, LUN YI

ART UNIT	PAPER NUMBER
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2673

7

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

Advisory Action

Application No.

09/929,615

Applicant(s)

METCALF, DARRELL J.

Examiner

Lao Y Lun

Art Unit

2673

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires three months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☒ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-28.

Claim(s) withdrawn from consideration: none.

8. ☒ The drawing correction filed on 08 December 2003 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: see attachment

Lun-Yi Lao
Primary Examiner

Response to Amendment and Argument

1. applicant mentions that Albert et al does not teach a flexible display(electrophoretic display) supports a full-motion or full-speed of color video signals. However, Albert et al teach a flexible can support real time video(VGA resolution screen) color(black or white or other color particles) video signals transmitted from a computer networks or internet(see figures 7-10; column 4, lines 56-68; column 15, lines 25-34; column 16, lines 43-50; column 18, lines 12-21 and lines 61-67; column 19, lines 10-15 and lines 33-40). Beside that, a flexible display can display a full-motion or full-speed of color video signals is not applicant's invention. This flexible display feature has been well known in the art(see Engler(6,570,700)'s column 1, lines 63-68; column 2, lines 1-10 and column 7, lines 11-23; and Mikkelsen, Jr.(6,507,333)'s column 1, lines 29-50).

2. Applicant argues that Usada(5,455,906) does teach the sizes and shapes in conformance with the size and shape of the pixilated material. However, Usada teaches the shape and size could be changed in conformance with shape and size of the display area changing(see figures 2a, 7 and column 10, lines 3-6). Also, Adler et al(6,297,805) teach the sizes and shapes in conformance with the size and shape of the pixilated material(see figures 6-7 and column 9, lines 40-51).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi, Lao whose telephone number is (703) 305-4873.

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Art Unit: 2673

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December 16, 2003

Lun-yi Lao
Lun-yi Lao

Primary Examiner

Continuation of 2. NOTE: The new limitations of "full speed, full motion color video signal" cited in claims 29-30 raise new issues..

Continuation of 5. does NOT place the application in condition for allowance because: the combination of the references meet the limitations cited in claims 1-28(see final rejection)..